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November 11, 2004

Re: Ohio Valley Railroad Company  
- Petition for Expedited Relief  
STB Finance Docket No. 34486  
Our File 5028

2/2559



The Honorable Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20423

Office of Expedited  
Relief

Daniel A. LaKemper  
General Counsel  
Indiana Southwestern Railway Co.  
1318 S. Johanson Road  
Peoria, IL 61607

Dear Gentlemen:

Part of  
Public Record

The purpose of this letter is to advise you that upon receipt of the October 22, 2004 letter from Mr. LaKemper, our client, Ohio Valley Railroad Company ("OVR") provided Indiana Southwestern Railway Co. ("ISW") with necessary information regarding reporting marks, etc. from the AAR and forwarded a proposed interchange agreement which would permit the parties to perform interchange freight cars within Harwood Yard on OVR tracks. Despite Mr. LaKemper's representation that ISW would reinstall one switch to permit the interchange of cars trapped by ISW's removal of switches with OVR rail facilities, this switch has not been reinstalled and ISW has not responded to proposed interchange arrangements from OVR.

This letter is to also advise you that OVR's shipper, Mid-America Locomotive and Car Repair, Inc. has received a proposal to repair and service a fleet of eighty (80) gondola cars at its Harwood Yard car repair facility served by OVR. This proposal provides an opportunity for ISW to earn intermediate switching charges on this traffic, but for the fact that ISW has not yet reinstalled the south and north end switches into Harwood Yard from its rail line.

Judge Vernon A. Williams  
Daniel A. LaKemper, Esq.  
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Continued refusal on the part of ISW to reinstall its switch connections with OVR constitutes a refusal on the part of ISW to comply with its common carrier obligations. Should this business be lost to Mid-America Locomotive and Car Repair, Inc., my client will hold ISW fully responsible for all losses and damages incurred as a consequence of ISW's refusal to provide common carrier interchange service.

The facts and circumstances which prompted our clients' Petition for Expedited Relief on October 26, 2004 have not been rectified and ISW has taken no steps to resolve this matter with OVR. Thus, the relief sought by our clients is needed more urgently than ever.

Very truly yours,

VUONO & GRAY, LLC



Richard R. Wilson, Esq.  
Attorney for Ohio Valley Railroad  
Company and Mid-America Locomotive  
and Car Repair, Inc.

sb/35422

cc: Louis Gitomer, Esq.  
Ohio Valley Railroad Co.  
Mid-America Locomotive & Car Repair, Inc.  
Office of Proceedings, STB